

REMARKS

No claims have been amended. Claims 1-26 and 29 remain pending in this application. Applicant reserves the right to pursue the original and any other claims in this and other applications.

Claims 1-3, 8, 10-13, 15-18 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartmaier in view of Jackson (U.S. Patent No. 6,275,577) and further in view of LaPierre (U.S. Patent No. 6,771,761). The rejection is respectfully traversed.

Claim 1 recites “[a] telephony interface for receiving a telephone call via a first communication path, . . . identifying a dialed telephone number associated with the call, [and] using the dialed telephone number to retrieve . . . at least one user preference . . . to route the call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths.” Claim 1 further recites “connecting the call to a user by connecting [the] first communication path to the second or third communication path when the second or third communication path is authenticated by the user.” Applicant respectfully submits that the cited combination fails to teach or suggest the above limitations.

As Applicant has previously argued, Hartmaier refers to a programming interface between applications that execute on a private data network and applications that execute in a proprietary wireless network (WIN). Hartmaier is essentially an interface communicating between two software programs. As mentioned in the Office Action, Hartmaier does not teach or suggest a telecommunication device comprising “[a] telephony interface for receiving a telephone call via a first communication path, . . . identifying a dialed telephone number associated with the call, [and] using the dialed telephone number to retrieve . . . at least one user preference . . . to route the call to at

least two wireless destination telephone numbers substantially simultaneously via a second or third communication path.” Further, Hartmaier fails to teach or suggest the “telephony interface connecting the call to a user by connecting [the] first communication path to the second or third communication path when the second or third communication path is authenticated by the user.”

The Office Action attempts to combine Jackson and LaPierre with Hartmaier to cure the above deficiencies of Hartmaier. Jackson is cited by the Office Action as teaching a telephony interface that routes a call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths, and the telephony interface connecting the call to a user by connecting the first communication to the second or third communication path when the second or third communication path is authenticated by the user. (Office Action at 3). LaPierre is cited by the Office Action as teaching that the extensions of the enterprise telecommunication network are solely associated with wireless devices. (Office Action at 4).

Applicant respectfully submits that Jackson and LaPierre do not cure the deficiencies of Hartmaier. The claimed invention, in one aspect, relates to a “telephony interface [that connects] . . . the call to a user by connecting [the] first communication path to the second or third communication path when the second or third communication path is authenticated by the user,” as recited in claim 1.

The Office Action relies on Jackson to teach this limitation. Jackson, however, fails to do so. Jackson refers to a call routing system that sends a page request to a pager and a call request to a wireless phone in response to an inbound call. In Jackson, however, the incoming call is not forwarded to and cannot be answered by the user at the pager; instead, the pager only receives a page (via the request). Hence, Jackson

cannot connect the incoming call to the pager's communication path. The pager serves only as a notifying function that alerts the called party that he has a call at the wireless phone. Therefore, Jackson fails to teach or suggest a "telephony interface [that connects] . . . the call to a user by connecting [the] first communication path to the second or third communication path when the second or third communication path is authenticated by the user." By contrast, Jackson only discloses a system in which the user can answer the incoming call using one communication path. In the claimed invention, the user can answer the incoming call using either the second or third communication path, which is connected to the first path.

Further, Jackson refers to a user pressing a call-connect key to selectively connect the incoming call to the wireless device in response to an inaudible alert. (Jackson at column 3, lines 55-58). This is not similar to the "authenticating" feature of the claimed invention. The claimed authenticating feature is different because the user authenticates the call by answering the respective wireless device associated with the communication path and pressing another key (or activating a feature at the device). In one aspect, if a user answers the wireless device associated with the second communication path, the second communication path is authenticated by the user and then the third communication path is terminated. Unlike Jackson, the authentication is not in response to an inaudible alert and is not done by pressing a call-connect key.

Moreover, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to combine the teachings of the cited prior art to achieve a system for selectively establishing communication with one or more of a plurality of wireless devices serving as a virtual office telephone. One of ordinary skill would not have looked to a programming interface between computer applications (Hartmaier) to combine it with a system for call routing/paging (Jackson) and a system for routing a call to an alternate destination associated with a subscriber of a universal

number service (LaPierre) to achieve a system, serving as a virtual office, that establishes communication with one or more of a plurality of wireless devices. Thus, Applicant respectfully submits that it is improper to combine the references in the manner suggested by the Office Action.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 1084, 5 USPQ.2d 1596 (Fed. Cir. 1988). The Federal Circuit requires that, in order to prove that a claim is obvious in light of two or more prior art references, a teaching, suggestion or motivation to combine the two must be shown. Teleflex v. KSR Intl. Co., 119 Fed. Appx. 282 (Fed. Cir. 2005). There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. The Office Action is using impermissible hindsight by using the claims of the present invention as a road map to improperly combine the references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144.

Therefore, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to achieve a telephony interface “for receiving a telephone call via a first communication path, . . . identifying a dialed telephone number associated with the call, [and] using the dialed telephone number to retrieve . . . at least one user preference . . . to route the call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths,” as recited in claim 1. No such teaching, suggestion, or motivation is found in the cited references.

Thus, the cited combination fails to render obvious all limitations of claim 1 and therefore, claim 1 should be allowable. Claims 2, 3, 8, 10-13 and 15-18 depend from claim 1 and are allowable along with claim 1.

Claim 26 recites a method to implement a virtual dual line telephone interface into an enterprise telecommunication network location having a single line telephone interface comprising the steps of “providing at least one wireless telephone to the location; routing a telephone call made to an extension of the enterprise network via a first communication path to the wireless connect unit; [and] . . . routing the telephone call to at least one destination telephone number via a second communication path.” According to claim 26, “the wireless telephone can receive the call if the device associated with the second telephone number is unable to receive a call and the device associated with the second telephone number can receive the call if the wireless telephone is unable to receive the call.”

For at least the reasons set forth above, Applicant respectfully submits that the cited references, whether considered alone or in combination, fail to teach or suggest all limitations of claim 26. In addition, it would not have been obvious to one of ordinary skill in the art to combine the cited references to achieve the claimed invention.

Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 4, 6, 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartmaier in view of Jackson and LaPierre, and further in view of Chow (U.S. Patent No. 6,711,401). The rejection is respectfully traversed.

Claims 4, 6, 7 and 14 depend from claim 1. As such, they each recite a telephony interface “for receiving a telephone call via a first communication path, . . . identifying a dialed telephone number associated with the call, [and] using the dialed telephone number to retrieve . . . at least one user preference . . . to route the call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths.” For at least the reasons set forth above, the Hartmaier, Jackson and LaPierre combination fails to teach or suggest these limitations.

Chow is cited as teaching a predetermined time that corresponds to a number of telephone rings defined by the at least one retrieved user preference. However, even if the Office Action is correct about Chow, which Applicant does not concede, Chow does not teach or suggest “[a] telephony interface for receiving a telephone call via a first communication path, . . . identifying a dialed telephone number associated with the call, [and] using the dialed telephone number to retrieve . . . at least one user preference . . . to route the call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths.” Thus, Chow does not cure the above noted deficiencies of the Hartmaier, Jackson and LaPierre combination.

Nor would it have been obvious to one of ordinary skill in the art to combine Chow with Hartmaier, Jackson and LaPierre to achieve the claimed invention. None of the cited references teach or suggest, or even relate to, achieving a system for selectively establishing communication with one or more of a plurality of wireless devices serving as a virtual office telephone for at least the reasons set forth above.

Accordingly, the cited combination fails to teach or suggest all limitations of claim 1 and thus, claims depending from claim 1. Accordingly, Applicant respectfully

submits that claims 4, 6, 7 and 14 are allowable over the cited combination. The rejection should be withdrawn and the claims allowed.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartmaier in view of Jackson and LaPierre and further in view of Cox (U.S. Publication No. 2002/0013141). The rejection is respectfully traversed.

Claim 9 depends from claim 1. As such, claim 9 recites “[a] telephony interface for receiving a telephone call via a first communication path, . . . identifying a dialed telephone number associated with the call, [and] using the dialed telephone number to retrieve . . . at least one user preference . . . to route the call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths.”

For at least the reasons set forth above, these features are not disclosed or suggested by the Hartmaier, Jackson and LaPierre combination. Cox, which has been cited as teaching a telephony interface that prompts a caller of the telephone call with a menu of call destination options and that places the call in accordance with an option selected by the caller (Office Action at 10), also fails to disclose the above limitations. Accordingly, claim 9 is allowable over the cited combination for at least the reasons set forth above. The rejection should be withdrawn and the claim allowed.

Claims 19-23, 25 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartmaier in view of Jackson and LaPierre, and further in view of Karpus (U.S. Patent No. 5,884,191). The rejection is respectfully traversed.

Claim 19 recites a telecommunication device comprising a telephony interface for “determining user access rights based on at least one enterprise preference associated with first enterprise extension telephone number, generating and sending a

simulated dial tone to the wireless telephone and providing access to [an] enterprise telecommunication network based on . . . at least one user preference and the enterprise preference associated with [a] first enterprise extension telephone number.” Claim 19 further recites that “[the] enterprise telecommunication network consists solely of wireless communication devices.”

Claim 29 recites a method of providing access to an enterprise telecommunication network from a wireless telephone comprising the steps of “determining access rights for a user of the wireless telephone and if the user has rights to access the enterprise telecommunication network, [the] method further comprising: generating a simulated dial tone; sending the simulated dial tone to the wireless telephone via the first communication path; and providing telecommunication access to the enterprise telecommunication network based on at least one user preference and at least one enterprise preference associated with the retrieved enterprise telephone number.” Claim 29 further recites that “the enterprise telecommunication network consists solely of wireless devices.” Applicant respectfully submits that the cited combination fails to disclose or suggest all limitations of the inventions of claims 19 and 29.

For similar reasons as articulated above, Hartmaier, Jackson and LaPierre fail to teach or suggest a telephony interface “determining access rights for a user of the wireless telephone and if the user has rights to access the enterprise telecommunication network, generating and sending a simulated dial tone to the wireless telephone and providing access to [an] enterprise telecommunication network . . . that consists solely of wireless devices,” as recited in claim 19. In addition, the Office Action admits that Hartmaier, Jackson and LaPierre do not teach or suggest generating a simulated dial tone, and relies on Karpus to solve this shortcoming. (Office Action at 12-13).

Karpus merely discloses an interface system that connects various devices to a radio telephone and provides arbitration between conflicting requests for access to the audio channel of the telephone. Karpus uses grant lines to communicate that access to the audio channel is available. Karpus is essentially an arbitration switch between devices and would not be used in combination with the systems of Hartmaier, Jackson and LaPierre and thus, Applicant believes Karpus to be not relevant to the technology of the claimed invention.

Even if relevant, Karpus does not teach or suggest “determining access rights for a user of the wireless telephone and if the user has rights to access the enterprise telecommunication network, generating and sending a simulated dial tone to the wireless telephone and providing access to [an] enterprise telecommunication network . . . that consists solely of wireless devices,” as recited in claim 19. Claim 29 recites similar limitations, and thus these arguments equally apply to claim 29. Therefore, Hartmaier, Jackson, LaPierre and Karpus, whether considered alone or in combination, fail to teach or suggest all limitations of claims 19 and 29.

Moreover, Applicant also respectfully submits that it is improper to combine the references in the manner suggested by the Office Action. As stated above, Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 1084, 5 USPQ.2d 1596 (Fed. Cir. 1988). The Federal Circuit requires that, in order to prove that a claim is obvious in light of two or more prior art references, a teaching, suggestion or motivation to combine the two must be shown. Teleflex v. KSR Intl. Co., 119 Fed. Appx. 282 (Fed. Cir. 2005). There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. The Office Action is using impermissible hindsight by using the claims of the present invention as a road

map to improperly combine the references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144. This is another reason why the rejection should be withdrawn.

Accordingly, claims 19 and 29 are allowable over the cited combination. Claim 20-23 and 25 depend from claim 19 and are allowable along with claim 19. For at least the reasons set forth above, the rejection should be withdrawn and claims 19, 20-23, 25 and 29 allowed.

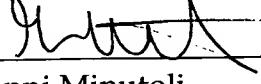
Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartmaier in view of Jackson, LaPierre, Karpus and Chow. The rejection is respectfully traversed.

Claim 24 depends from claim 19 and is allowable along with claim 19 because none of the references teach or suggest a telephony interface “determining access rights for a user of the wireless telephone and if the user has rights to access the enterprise telecommunication network, generating and sending a simulated dial tone to the wireless telephone and providing access to [an] enterprise telecommunication network . . . that consists solely of wireless devices.” Accordingly, Applicant respectfully submits that the rejection should be withdrawn and claim 24 allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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